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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,345	12/31/2003	Timothy W. Vanderveen	IVACP 58212	9475
24201 7590 10/15/2007 FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045			EXAMINER HALL, DEANNA K	
			ART UNIT 3767	PAPER NUMBER
			MAIL DATE 10/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/750,345

Applicant(s)

VANDERVEEN ET AL.

Examiner

Deanna K. Hall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :August 4, 2005;  
December 31, 2003.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on December 31, 2003 and August 4, 2005 are in compliance with the provisions of 37 CFR 1.97(b).

Accordingly, the IDSs are being considered by the Examiner.

### ***Claim Rejections - 35 USC § 112***

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "a controllable device" is not defined explicitly in the specification or implicitly through its usage. Thus, the term renders the claim indefinite since one of ordinary skill in the art would not be able to ascertain the scope of the claim. Furthermore, the Examiner has interpreted the claim in a manner that would render the prior art applicable. *Ex parte Ionescu*, 222 USPQ 537 (Bd. App. 1984). Claim 11 is rejected due to its dependence upon claim 10.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butterfield et al. (US 6,213,972) ("Butterfield") in view Fairchild et al. (US 5,032,112) ("Fairchild") further in view of Doan (US 5,087,245).**

Butterfield discloses a system for determining a fault condition in an infusion system including an infusion pump 14, a pressure sensor 34 to provide signals and measure pressure within the primary infusion line 12, and a processor 30 responsive to the signals provided by the pressure sensor to establish a baseline pressure value and provide an alert 40 that a fault condition exists. C6 L15-27. The processor can further operate the infusion pump to increase the pressure in the primary infusion line and sample the pressure signals after operating the pump to compare these values with the baseline pressure value to provide an alert. C4 L25-53.

Butterfield further discloses the processor only comparing values that were obtained during a time measurement window. C8 L12-23. The processor can operate in a reverse mode to inject a bolus of fluid into the primary infusion line followed by sampling pressure signals and comparing to threshold values to determine if a fault condition exists. C2 L14-16, C6 L66-C7 L10, C7 L63-C8 L23. An electromechanical actuator 20 squeezes and releases the upstream infusion line to increase the pressure

Although Butterfield discloses the invention as substantially claimed, Butterfield only discloses a single source of intravenous fluid. Butterfield does not directly disclose a secondary container connected to the primary infusion line through a secondary infusion line, the secondary infusion line having a valve to control flow of the secondary fluid in the secondary line, the primary infusion line having a check valve disposed

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between the primary container and the connection of the secondary infusion line to the primary infusion line. Fairchild, in the analogous art, teaches a dual source of intravenous fluid connected together at Y-site 50 and including an infusion pump 20, a primary container 22 with its primary infusion line 38 and check valve 42, and a secondary container 25 with its secondary infusion line 40 and flow control valve 46. Fairchild further teaches a controllable device 54 for applying pressure to the primary infusion line. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device of Butterfield with the dual fluid containers as taught by Fairchild for infusing more than one fluid.

Further, Butterfield does not directly disclose a memory for storing pressure related values. Doan, in the analogous art, teaches a memory 26 for storing pressure related values. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device of Butterfield with the memory as taught by Doan for associating the processor with a memory.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna K. Hall whose telephone number is 571-272-2819. The examiner can normally be reached on M-F 9:00am-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on 571-272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Deanna K. Hall  
Examiner  
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dkh

KEVIN C. SIRMONS  
SUPERVISORY PATENT EXAMINER

